Court No.2

Writ Petition No. 971 (S/B) of 2002

Ram Gopal Singh ……..……. Petitioner

Versus

U. P. Jal Nigam and others ……..……. Respondents

…….

Hon. P.C.Verma, J.
Hon. Irshad Hussain, J.

Heard Sri S.S.Chauhan, learned counsel for the petitioner and Sri D.S.Patni, learned counsel for the Jal Nigam.

The petitioner is an Assistant Engineer in Jal Nigam. The Board of Jal Nigam took a policy decision for creation of Hill sub cadre in the year 1993 and to enforce the said decision, Circular was issued on 04.06.1994, inviting options of the candidates willing to be absorbed in the Hill Sub cadre. The last date given for option was 3.9.1994. The petitioner applied for absorption in Hill sub cadre in the year 1997. The case of the petitioner was not considered on the ground that the option was not exercised by the cut off date.

Learned counsel for the petitioner submits that Board has framed Regulations as Uttar Pradesh Jal Nigam Hill sub Cadre Regulation, 1988. After enforcement of the said Regulations, again options were invited by Circular dated 20.1.1999. He further submitted that his option exercised in the year 1997 could be accepted after the enforcement of the regulations of 1998.

The learned counsel for the Jal Nigam submits that since the circular dated 20.1.1999, which was issued after enforcement of Regulation 1998, had been stayed by the High Court of Uttar Pradesh at Lucknow, no further step could be taken by the Jal Nigam.

As we have seen from the facts narrated above, the petitioner had exercised his option prior to the enforcement of Hill sub Cadre Regulations, 1998 and his option could have been proceeded with as it was not exercised in pursuance of the Circular issued on 20.1.1999 which was said to have been stayed by the High Court. Thus, the Jal Nigam is directed to consider the case of the petitioner treating the petitioner as absorbed in Jal Nigam and to accord him Hill cadre, giving him all the consequential benefits thereof.

The writ petition is accordingly allowed.

(P.C.Verma, J.) **(Irshad Hussain, J.)**

Dt. 6.8.2002
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